

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Francesco Saverio DIOGUARDI	Examiner: Christina Bradley Art Unit: 1654
Serial No.	: 10/575,062	
Cnfrm. No.	: 6565	
Filed	: April 7, 2006	
Title	: AMINO-ACID COMPOSITIONS FOR THE TREATMENT OF PATHOLOGICAL CONDITIONS DISTINGUISHED BY INSUFFICIENT MITOCHONDRIAL FUNCTION	

**DECLARATION UNDER 37 C.F.R. § 1.130 TO DISQUALIFY
A COMMONLY OWNED PUBLISHED PATENT APPLICATION AS PRIOR ART**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, FRANCO CONTI, pursuant to 37 C.F.R. § 1.130(a)(2), declare:

1. I currently hold the position of Managing Director of Professional Dietetics S.r.l. (referred to herein as "Professional Dietetics").
2. Professional Dietetics is the owner of 100 percent interest in the subject patent application having U.S. Serial No. 10/575,062 (referred to herein as the "062 Application"), as evidenced by the assignment duly recorded with the U.S. Patent and Trademark Office at Reel/Frame 024020/0113.
3. Professional Dietetics is also the owner of 100 percent interest in U.S. Patent Application Publication No. US 2004/0157903 (referred to herein as the "903 Publication"), as evidenced by the assignment duly recorded with the U.S. Patent and Trademark Office at Reel/Frame 015254/0274.

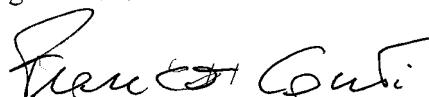
4. Therefore, Professional Dietetics is the current owner of both the 062 Application and the 903 Publication.

5. Francesco Saverio Dioguardi is the sole inventor of the subject 062 Application and is the prior inventor within the meaning of 35 U.S.C. § 104.

6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

March 04 2010

Date



Franco Conti